

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Comb *et al.*  
ASSIGNEE: CELL SIGNALING TECHNOLOGY, INC.  
SERIAL NUMBER: 10/014,485 EXAMINER: Karen A. Canella  
FILING DATE: November 13, 2001 ART UNIT: 1642  
FOR: PRODUCTION OF MOTIF-SPECIFIC AND CONTEXT-INDEPENDENT ANTIBODIES  
USING PEPTIDE LIBRARIES AS ANTIGENS

March 21, 2005  
Beverly, Massachusetts

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER**  
**to Obviate a Non-Statutory Double-Patenting Rejection**  
(37 C.F.R. §§1.321(c))

CELL SIGNALING TECHNOLOGY, INC., a corporation of Massachusetts, declares that:

1. It is the exclusive owner and assignee of the entire right, title, and interest in and to:

(a) the above-identified patent application by virtue of assignment from the inventors, recorded in the United States Patent & Trademark Office on December 13, 2001 (Reel/Frame: 012696/0451); and

(b) both the issued U.S. Patent and the pending (allowed) U.S. Application cited by the Examiner and referenced in 2(i) and (ii) below, by virtue of assignments from the previous assignee and from the inventors recorded in the United States Patent & Trademark Office on June 5, 2000 (Reel/Frame: 010906/0733) and March 24, 2000 (Reel/Frame: 010649/0045), respectively.

2. It hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of (i) granted U.S. Patent No. 6,441,140 (Comb *et al.*), issued August 27, 2002, and (ii) any patent granted on pending and allowed Application Serial Number 09/535,364 (Comb *et al.*), filed on March 24, 2000, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said pending application may be shortened by any terminal disclaimer filed prior to the grant of any patent on that pending application. CELL SIGNALING TECHNOLOGY, INC. hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patents

03/23/2005 SFELEKE1 000000081 501774 1001485  
03 FC:2814 65.00 DA

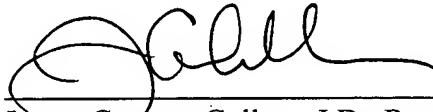
referenced in (i) and (ii) above are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

3. In making the above disclaimer, CELL SIGNALING TECHNOLOGY, INC. does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the pending application referenced in 2(ii) above, "as the term of any patent granted on said pending application may be shortened by any terminal disclaimer filed prior to the grant of any patent on that pending application," in the event that any such patent granted on that pending application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

4. The Commissioner is hereby authorized to charge the \$65.00 (small entity) fee due under 37 C.F.R. §1.20(d), for this Terminal Disclaimer together with any other fees that may be due in connection with the present filing, to Deposit Account No. 50-1774, Ref. No. CST-138 CIP2.

The undersigned attorney of record is empowered to act on behalf of the owner/assignee of the present application, and hereby declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



James Gregory Cullem, J.D., Reg. No. 43,569  
Intellectual Property Counsel  
CELL SIGNALING TECHNOLOGY, INC.  
166B Cummings Center  
Beverly, MA 01969  
(978) 867-2311

Date: March 21, 2005